

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

TRISTAN NOAH BENEFIELD, Plaintiff,	§ § § § § § § § §	Case No. 6:24-cv-493-JDK-KNM
v.		
RIO MARIE SMITH, Defendant.		

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Tristan Noah Benefield filed this lawsuit on December 23, 2024. The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition.

On January 16, 2025, Judge Mitchell issued a Report (Docket No. 4) recommending that the complaint be dismissed with prejudice as frivolous and for failure to state a claim. A copy of this Report was sent to Plaintiff. Docket No. 5. However, Plaintiff did not file objections.


This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not file objections. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 4) as the findings of this Court. It is therefore **ORDERED** that this case be **DISMISSED** with prejudice as frivolous and for failure to state a claim. 28 U.S.C. § 1915(e)(2)(B)(ii).

In Civil Action No. 6:24-cv-475-JDK-JDL, the Court barred the filing of any new lawsuits by Kevin Kohute unless such lawsuit is filed by an attorney licensed to practice in the U.S. District Court for the Eastern District of Texas and the filing fee is paid at the outset of the case. To the extent this action was initiated by Kevin Kohute on behalf of Tristan Benefield, Kohute and Benefield are **WARNED** that the sanction against Kohute extends to the filing of new lawsuits by Kohute on behalf of other individuals.

So **ORDERED** and **SIGNED** this **10th** day of **February, 2025**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE

